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Not Just A Study Break

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tribe “purchase the land out from under” the townspeople? Would eminent domain be available? And so on. If desired, students could be provided with a copy of the script.

All three of these popular entertainments — *Body Heat*, “Gold Digger,” and “Red Man’s Greed” — have the power to surprise, delight, and teach your students, and bring a little interdisciplinary flair to your classes. After all, there’s no

business like show business.

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Educating Students about the Critiquing Process in a Lawyering Skills Class

by Joel Atlas

Recently I held a series of twenty-minute appointments during which I diagnosed problems and proposed a treatment plan. No, I am not a physician, and the recipients of this information are not patients. I am a teacher of lawyering skills, and the recipients of the plans are first-year law students to whom I recently returned a memorandum-writing assignment. The range and content of the students’ reactions was fascinating: some seemed perplexed that their work was not among the best I had ever seen; some seemed dismayed that, for the first time, their work had been judged to be merely average; and others seemed delighted that they need not seek a tuition refund. Whatever the reaction though, providing a critical assessment of another’s work is never simple.

Many law students have informed me that prior to law school they rarely, if ever, had their actual writing critiqued extensively. Indeed, for most law students (depending on their undergraduate specialty), their teachers’ past comments were primarily addressed to the substance of the paper, rather than to the words used to present the information. Not only would a stray comma or a misplaced modifier usually go undisturbed, but even the substantive comments were often merely a terse notation in the margin such as “good point.” The extreme performance anxiety of first-year law students along with the alien experience of receiving copious comments on their writing creates a potent, and potentially paralyzing, potion for stress.

With that as a backdrop, lawyering skills teachers ought to educate students about the process of critiquing they will experience in a lawyering skills course. Because of the importance that attorneys be detail-oriented, students need to understand at the outset of the course that they will receive comments that may appear to an untrained learner to

be minutia. It may be helpful for the teacher to give concrete illustrations about how the improper placement of a word within a sentence may obfuscate the meaning of the sentence and may even spawn litigation. It may also be helpful to relate your own experience with receiving feedback. For example, I have reported to students that, when I was a junior attorney, the length of my supervisor’s comments on my work product sometimes rivaled the length

of that product. Also beneficial may be having one’s teaching assistants speak to the students about their own responses to receiving voluminous comments; students can thereby see that successful, upper-class

students have undergone the same process. Finally, students seem comforted to hear that the work of all students in the course, whether strong or weak, will receive thorough comment.

I also ask my students to try to develop a healthy, non-antagonistic relationship with the process of critiquing. As a teacher, I view the uncovering of a student’s writing difficulties as a teaching opportunity, and I encourage students to view these revelations likewise as learning opportunities. After all, both teacher and student would agree it is best that a student’s weaknesses be exposed and addressed during law school rather than when one begins working as an attorney. Of course, to improve the chances that students will appreciate, rather than fight, the critiquing process, a teacher must be sensitive to the cumulative and potentially harmful effect of even constructive criticism and be sure to both note students’ strengths and to praise their improvement.

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